

**REMARKS**

Applicants thank the examiner and his supervisor for the courtesy of the telephonic interview on February 8, 2008. Discussed during the interview was a Proposed Amendment After Final and the primary reference relied upon by the examiner in the final rejection, namely U.S. Patent No. 5,845,090 to Collins et al. Applicants also provided a copy of Chapter 7 “Packet Communications Concepts” from the New McGraw-Hill Telecom Fact Book, 2d. edition, by Joseph A. Pecar and David A. Garbin, copyright date 2000, as evidence of what was generally known in the art at the time of invention concerning packet networks, or more specifically, packet switched or packet routed networks.

The examiner’s supervisor indicated that the proposed amendments to claim 1 would likely overcome the § 101 rejection of claims 1-7. This amendment includes similar, but not identical, amendments to those proposed for each claim. Specifically, the proposed wording “with a computing device and storing on the computing device” has been omitted. It is respectfully submitted that this wording is not necessary to address the § 101 rejection. Similar amendments are also being made to claims 13 and 21. Therefore, the foregoing amendments should overcome the rejection under 35 U.S.C. § 101 of claims 1-7, 13-18 and 21-27.

It is also applicants’ understanding that the examiner’s supervisor agreed that Collins et al. does not anticipate claims 1-27 and, therefore, the rejection under 35 U.S.C. § 102 will be withdrawn upon filing of this Amendment. Applicants reiterated points made in the amendment filed on July 25, 2007, that the method of distributing “software packages” disclosed in Collins et al. does not anticipate any of the claims. It is applicants’ understanding that the examiner’s supervisor concurred, and indicated that the rejection would be withdrawn and that further searching would be conducted. None of the amendments to the claims are being made in order to overcome this rejection or to narrow the scope of the claims.

It is respectfully submitted that the Application is allowable. Accordingly, applicant respectfully requests reconsideration and allowance of the application. The Commissioner is authorized to charge any fees, including but not limited to extension of time and additional claims fees, due but not submitted with this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call applicant's Attorney if or any reasons that would advance the current application to issue. Please reference Attorney Docket No. 131195-1003.

Dated: February 11, 2008

Respectfully submitted,  
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